

Presentment Date and Time: February 19, 2014 at 12:00 p.m. (ET)
Objection Deadline: February 18, 2014 at 4:00 p.m. (ET)

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Gary S. Lee
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Erica J. Richards

Counsel for the ResCap Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER MODIFYING
THE AUTOMATIC STAY TO PERMIT LIMITED THIRD PARTY DISCOVERY**

PLEASE TAKE NOTICE that the undersigned will present the attached proposed *Stipulation and Order Modifying the Automatic Stay to Permit Limited Third Party Discovery* (the “Stipulation and Order”), to the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, Room 501, for signature on **February 19, 2014 at 12:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Stipulation and Order must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No.

141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **February 18, 2014 at 4:00 p.m.**

(Prevailing Eastern Time), upon (a) counsel for the ResCap Liquidating Trust, Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, NY 10104 (Attention: Gary S. Lee, Norman S. Rosenbaum and Erica J. Richards); (b) the Office of the United States Trustee for the Southern District of New York, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Linda A. Riffkin and Brian S. Masumoto); (c) the Office of the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001 (Attention: US Attorney General, Eric H. Holder, Jr.); (d) Office of the New York State Attorney General, The Capitol, Albany, NY 12224-0341 (Attention: Nancy Lord, Esq. and Enid N. Stuart, Esq.); (e) Office of the U.S. Attorney for the Southern District of New York, One St. Andrews Plaza, New York, NY 10007 (Attention: Joseph N. Cordaro, Esq.); (f) counsel for Ally Financial Inc., Kirkland & Ellis LLP, 153 East 53rd Street, New York, NY 10022 (Attention: Richard M. Cieri and Ray Schrock); (g) counsel for the committee of unsecured creditors, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attention: Kenneth Eckstein and Douglas Mannal); (h) counsel for Ocwen Loan Servicing, LLC, Clifford Chance US LLP, 31 West 52nd Street, New York, NY 10019 (Attention: Jennifer C. DeMarco and Adam Lesman); (i) counsel for Berkshire Hathaway Inc., Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, CA 90071 (Attention: Thomas Walper and Seth Goldman); (j) Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346 (if by overnight mail, to 2970 Market Street, Mail Stop 5-Q30.133, Philadelphia, PA 19104-5016); (k) Securities and Exchange Commission, New York Regional Office, 3 World Financial Center, Suite 400, New York, NY 10281-1022 (Attention: George S. Canellos, Regional Director); and (l) counsel for Legal Helpers Debt Resolution, LLC, Rathje & Woodward, LLC, 300 E. Roosevelt Road, Suite 300, Wheaton, IL 60187 (Attention: Kevin M. Carrara).

PLEASE TAKE FURTHER NOTICE that, if no objections to the Stipulation and Order are timely filed, served and received in accordance with this Notice, the Court may enter the Order without further notice or hearing.

Dated: February 12, 2014
New York, New York

Respectfully submitted,

/s/ Norman S. Rosenbaum
Norman S. Rosenbaum
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
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Facsimile: (212) 468-7900

Counsel for the ResCap Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Post-Effective Date Debtors.)	Jointly Administered
_____)	

**STIPULATION AND ORDER MODIFYING THE
AUTOMATIC STAY TO PERMIT LIMITED THIRD PARTY DISCOVERY**

This Stipulation and Order (the “**Stipulation and Order**”) is made and entered into by, between and among The ResCap Liquidating Trust (the “**Liquidating Trust**”) established pursuant to the terms of the Plan (defined below) in the above-captioned bankruptcy cases (the “**Chapter 11 Cases**”), and Legal Helpers Debt Resolution, LLC (“**Requesting Party**” and, together with the Liquidating Trust and Debtors, the “**Parties**” and each, a “**Party**”).

WHEREAS Requesting Party is a defendant in an action currently pending in Adams County, Colorado, captioned *Jill Jones vs. Legal Helpers Debt Resolution, LLC, et al*, 12-CV-1221; which has been stayed for arbitration before JAMS as Case No. 14637 (the “**State Court Action**”);

WHEREAS the Debtors have never been named as defendants in the State Court Action;

WHEREAS Debtor GMAC Mortgage, LLC (“**GMACM**”) was the servicer for the mortgage loan of the plaintiff in the State Court Action (“**Jones**”);

WHEREAS each of the debtors in the Chapter 11 Cases (the “**Debtors**”) filed voluntary petitions in this Court for relief under Chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) on May 14, 2012 (the “**Petition Date**”);

WHEREAS on October 12, 2012, the Court entered the *Memorandum Opinion and*

Order Denying the Motions of the Federal Housing Finance Agency and Underwriter Defendants to Compel Document Discovery From the Debtors [Docket No. 1813] (the “**Discovery Injunction**”);

WHEREAS on or about September 19, 2013, Requesting Party served a third-party subpoena on GMACM requesting certain documents;

WHEREAS the Debtors have not produced documents in response to the subpoena;

WHEREAS on December 11, 2013, after a confirmation hearing, the Court entered an *Order Confirming Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC et al. and the Official Committee of Unsecured Creditors* approving the terms of the Chapter 11 plan, as amended (the “Plan”), in these Chapter 11 Cases [Docket No. 6065]. On December 17, 2013, the Plan went effective and the Liquidating Trust was created [Docket No. 6137].

WHEREAS the Liquidating Trust asserts that Requesting Party’s non-party discovery requests are subject to the automatic stay imposed by Section 362(a) of the Bankruptcy Code pursuant to the Discovery Injunction;

WHEREAS the Liquidating Trust and Requesting Party have reached agreement under which the Liquidating Trust shall consent to a limited modification of the automatic stay and the Discovery Injunction to permit the production of certain agreed-upon documents on the terms and conditions contained herein, subject to Court approval of the Stipulation;

NOW THEREFORE, the Parties agree and stipulate as follows:

1. The automatic stay of section 362(a) of Bankruptcy Code and the Discovery Injunction are hereby modified for these limited purposes, and subject to the terms and conditions set forth herein.

2. The Liquidating Trust agrees to produce only the items set forth on **Exhibit A**, annexed hereto (the “**Agreed Documents**”). The Liquidating Trust shall not be required to provide any witness or other documents or items to Requesting Party under this Stipulation and Order.

3. Requesting Party acknowledge and agree that:
- a. Requesting Party and their affiliates have no current or prospective claims against the Debtors or any of their affiliates; and
 - b. Requesting Party and their affiliates shall not use any of the Agreed Documents in connection with any claims against the Debtors or any of their affiliates.

4. This Stipulation and Order is without prejudice to the right of the Liquidating Trust to seek to enforce the automatic stay and/or the Discovery Injunction against Requesting Party in connection with any additional discovery requests or in any other context.

5. Except as specifically provided for herein, the Parties reserve all rights and defenses they may have in the above-captioned cases, and entry into this Stipulation and Order shall not impair or otherwise affect such rights and defenses, and all such rights and defenses are expressly preserved.

6. This Stipulation and Order shall not become effective unless and until it is entered by the Court.

7. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Order.

8. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

9. Each person who executes this Stipulation and Order on behalf of a Party hereto represents that he or she is duly authorized to execute this Stipulation and Order on behalf of such Party.

[Remainder of page intentionally left blank]

Dated February 12, 2014

/s/ Norman S. Rosenbaum

Norman S. Rosenbaum
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1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

Counsel for the ResCap Liquidating Trust

Dated: February 4, 2014

/s/ Kevin M. Carrara

Kevin M. Carrara
Rathje & Woodward, LLC
300 E. Roosevelt Road
Suite 300
Wheaton, Illinois 60187
Telephone: (630) 668-8500
Facsimile: (630) 668-9218

*Attorneys for Legal Helpers Debt Resolution,
LLC*

IT IS SO ORDERED

New York, New York

Dated: _____, 2014

HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Agreed Upon Discovery Information

1. Copy of Jones mortgage loan file
2. Copy of Jones mortgage loan servicing notes
3. Copy of FiServ screen shot relating to Jones mortgage loan
4. Certificate of Authenticity of Business Records